



2003

Issue I

CENTRAL



REGION



CENTRAL REGIONAL ENVIRONMENTAL OFFICE

US ARMY ENVIRONMENTAL CENTER

# Secretary of the Army Awards Recognize Environmental Excellence

From Staff Notes

## Tackling Waste Wins Texas Army National Guard Nationwide Recognition

Substantially decreasing waste from diesel fuel, paint solvent and other hazardous materials is one of the triumphs that just landed the Texas Army National Guard (TXANG) the Army's highest honor for environmental stewardship: the Secretary of the Army Environmental Award for Environmental Quality for 2002.

In Texas, the Army National Guard manages nearly 40,000 acres of land in support of military training and for public recreation. This land contains some of the most pristine and biologically diverse terrain in the country.

To maintain the beauty and integrity of

*(Continued on page 4)*



TXANG. Portable containment building housing the solvent recycling system. An average of 6,000 gallons of diesel fuel is recovered annually. *Photo courtesy of TXANG.*



Camp Swift Archeological Survey conducted by SW Texas State University. *Photo courtesy of Southwest Texas State University, Center for Archeological Studies.*

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## Chief Commentary

Bart Ives - CREO Chief/DoD Region 7 REC  
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If you've been tuned into the media at all these days, you've likely noticed a lot of controversy about the Department of Defense's (DoD) "Readiness and Range Preservation Initiative." This is a set of proposed "clarifications" (no, not requests for "exemptions") to existing federal environmental legislation that would allow the DoD to continue to train in a realistic fashion and thereby continue to maintain a high readiness posture. As this process moves forward, the DoD Regional Environmental Coordinators (RECs) will be asked to engage on a number of fronts to carry forward the outreach message prepared by the DoD on this initiative.

While some may think this is a new mission for the DoD RECs, it's not really. For the Army Regional Environmental Offices (REOs), outreach and partnering with regulatory agencies and other stakeholders is an integral part of our mission and reason for existing. "Outreach" is also really a dynamic tied to our bread and butter mission. That mission is to proactively represent the Army/DoD interest in the development of regional, state, and local environmental legislation, regulation, and policy. The objective here is to reduce impacts on operations from unnecessary, overly restrictive, excessively costly, or inappropriate state and local environmental requirements through the Army's State and Local Environmental Legislative-Regulatory Analysis and Monitoring Program (S-RAMP).

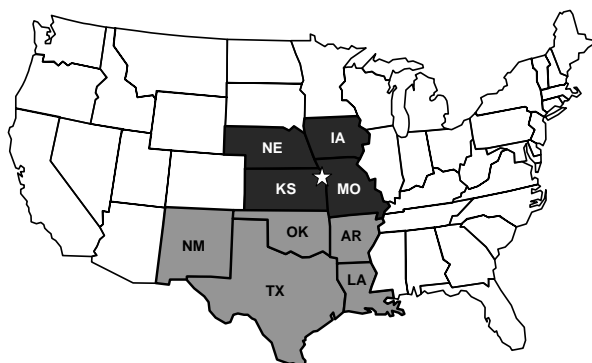
Not to be missed in all of this is our objective to help installations wherever possible to avoid or minimize enforcement actions (ENF's) and to promote programs that benefit installation environmental compliance and/or sustainability.

The bottom line is that the Army REOs are small, unique teams that have the ability to advance the interests of the military by launching rapid coordinated responses to regional, state, and local environmental issues that may adversely impact operations and/or result in inordinate costs.

I encourage you to call your friendly Army REC or myself when you have an issue for which you think you need additional assistance. If we don't have the immediate answer or capability to resolve your issue, it's extremely likely we know where to go for assistance to get the resolution you need.

## CREO Participation Calendar DoD REC Region 7 Army RECs Regions 6 & 7

- 3/12 Kansas FUDS Partnering Meeting, Topeka, KS
- 3/18 DSMOA Workshop, Colorado Springs, CO
- 3/18-20 Kansas Works 2003 Conference Winfield, KS
- 3/23-28 Army Environmental Conference Kansas City, MO
- 4/7-10 29<sup>th</sup> NDIA Environment & Energy Symposium, Richmond, VA
- 4/22-23 DSMOA Workshop, San Antonio, TX
- 4/29-5/1 COE National Environmental Conference, Fort Worth, TX
- 5/5-7 Texas Environmental Trade Fair, Austin, TX
- 5/8-9 Region 7 Environmental & Safety Symposium, Kansas City, MO
- 5/12-14 Region 7 P2 Roundtable Meeting, Kansas City, KS
- 7/16-17 Fort Riley IAP Workshop, Overland Park, KS
- 7/21-25 NCSL Annual Conference, San Francisco, CA
- 7/31-8/1 Missouri's Environmental Conference, Osage Beach, MO
- 8/5-7 Regions 5 & 7 EMS Workshop, Kansas City, KS
- 8/11-14 P2 & Haz Waste Management Conference, San Antonio, TX
- 8/26-27 KDHE's Annual Environmental Conference, Wichita, KS
- 10/16 Missouri Legislation Action Seminar, Lake Ozark, MO



### CREO Nine-State Area of Responsibility

DoD REC Region 7	
Army REC Region 6	
Army REC Region 7	

## CREO Contacts

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## Lone Star AAP's Pollution Prevention Efforts Help Utilize Excess Treatment Plant

By David Self  
Environmental Coordinator  
Lone Star AAP

The Lone Star Army Ammunition Plan (LSAAP) E-Line was modernized in the early 1980s to produce 105 MM HE rounds. When the 105 MM round was retired from production at LSAAP, the modernized line was shut down and put into layaway status. When the facilities and equipment were declared excess to the government's needs, a portion of the line was leased to American Dehydrated Foods. Most of the equipment was removed and sent to salvage as scrap metal. E-Line contained LSAAP's largest and most modern pinkwater treatment plant and was only used to process explosive wastewater generated during the "prove out" phase of the modernized production line.

During an Operations Support Command, Pollution Prevention Center for Technical Excellence meeting, McAlester AAP representatives were informed of the excess equipment. McAlester AAP sent representatives to LSAAP to view

first hand the equipment that was used to treat the wastewater. They were very interested in getting the equipment to help meet an increased capacity requirement.

This effort may result in saving resources at both plants as well as for the taxpayer. McAlester AAP will benefit by securing almost new treatment plant equipment at a very low cost. LSAAP will benefit by not having to dispose of the equipment. The taxpayer will not have to fund new equipment costs.

McAlester AAP representatives arrived at LSAAP on December 11, 2002 to pick up the needed equipment. LSAAP employees loaded the equip-



*Photo courtesy of LSAAP.*

ment on a semi-truck, flat bed trailer and McAlester AAP technicians performed the required blocking and bracing needed for transportation to their facility. The equipment was safely loaded without incident.

For additional information, please contact the author at (903) 334-1308 or (DSN) 829-1308.



## Fort Hood's "Team Recycle" on Parade

By Fort Hood Staff

Fort Hood's "Team Recycle" joined in the local Christmas Festivities on Saturday, December 14, 2002, by participat-

ing in the Killeen Christmas Parade with a float designed and built by "Team Recycle" members.



*Photo courtesy of Fort Hood.*

The four-horse carousel float was designed by Recycle Sales Specialist, Rufus Walker, and assembled with the team efforts of the Recycle Staff and soldiers of HHC/A 215<sup>th</sup> FSB 1<sup>st</sup> CAV. The float was constructed from 80-percent recyclable materials: 2-liter soda bottles, cardboard, discarded Christmas trees, discarded Christmas lights, 10-gallon steel and plastic drums, and a cable reel used as the carousel plat-

form. Loaned park benches provided seating for team members' children to ride on the float and Christmas music played as the float proceeded through downtown Killeen, Texas.

Participating in the parade, to the delight of the crowd, was the Recycle Mascot "Ricky Raccoon," portrayed by volunteer SPC Ronda Truax, also of 215<sup>th</sup> FSB. Ricky was accompanied by "Team Recycle" members (Trish Aaron, A. C. Allen, Henry Felix, L.A. Ulmer and Rufus Walker) and SPC John Guill of the 215<sup>th</sup> FSB, in addition to family members who distributed candy canes to the children assembled along the parade route.



*(Awards, continued from page 1)*

this sensitive landscape, the environmental resources management staff at the Texas Army National Guard has established many programs and partnerships that demonstrate the Army's compliance with protective environmental regulations.

One of these programs, through reuse and recycling, substantially decreased diesel fuel, paint solvent and other hazardous waste from a military vehicle rehabilitation operation in Saginaw, Texas. New systems and methods used to recover and recycle hazardous materials in 2001 reduced waste from paint solvent by 136 percent and antifreeze by 360 percent. Other benefits included the recovery of 1,800 gallons of motor oil and 3,100 gallons of diesel fuel.

Additional accomplishments that earned the Texas Army National Guard its award include:

- Being a founding member of the Texas Pollution Prevention Partnership, a joint venture of all Department of De-

fense services, along with state and federal regulatory agencies, to promote the use of pollution prevention in every day business practices. The partnership received the Vice President's Hammer Award for reinventing government.

- Establishing the nation's first experimental Environmental Management System for an agency-wide, full-circle process to use and treat hazardous waste and materials.



Part of the designated Historical District, this stone wall and guard post are located at the front gate of Camp Mabry, the Texas National Guard Headquarters in Austin, Texas. Built by the Works Progress Administration (WPA) in 1936, it is typical of the so-called "CCC-rustic" style, named after the Civilian Conservation Corps. Looking for ways to put people back to work during the Depression, the WPA and CCC built many distinctive structures across the United States. Note: there is a Texas Lone Star emblem on the floor of the guard post. *Photo courtesy of the Texas Army National Guard Archives.*



TXANG. Toxic and hazardous solvents have been replaced with aqueous parts washers and other equipment that use heat, bioremediation, and other environmentally friendly cleaning methods. *Photo courtesy of the TXANG.*

- Upgrading all 187 underground storage tanks at Texas Army National Guard facilities ahead of regulatory deadlines.

A panel of non-military and Army experts, including representatives from the Office of the Federal Environmental Executive, the U.S. Environmental Protection Agency, and the U.S. Army Center for Health Promotion and Preventive Medicine, judged competitors for the Environmental Quality award.

"The Texas Army National Guard has successfully implemented preventive measures, such as a comprehensive pollution prevention program, that allow it to meet its obligations both to care for the environment and maintain their readiness if called upon," said judging panel member Juan Lopez, Chief of Staff from the

White House Task Force on Waste Prevention and Recycling. "Their responsible handling of hazardous wastes has resulted in a facility that requires less regulation than other facilities of the same scope."

As an award winner, the Texas Army National Guard stands out as a leading example of the investment the Army makes in environmental stewardship on the 16.7 million acres of land it manages while it trains and prepares America's soldiers to fight the global war on terrorism. The readiness of our soldiers depends upon the Army's ability to use its training and testing grounds to the full-

### Historic Preservation Strides Win Texas Army National Guard Nationwide Recognition

est. Meeting and exceeding local, state and federal regulations ensures that restrictions on these grounds are minimal.

The Texas Army National Guard is one of eight 2002 Secretary of the Army Environmental Award winners. Each year, Army environmental professionals from around the world compete for recognition in the categories of environmental quality, natural resources conservation, cultural resources management,

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*(Awards, continued from page 4)*

pollution prevention and environmental restoration.

The Texas Army National Guard also won the Secretary of the Army Environmental Award for Cultural Resources Management for 2002.

This geographically and biologically diverse land contains some of the state's most valued prehistoric campsites and villages, late-1800s and 1900s homesteads and farms, cemeteries and World War II buildings.

To maintain the beauty and integrity of these places, the cultural resources staff of the Texas Army National Guard has established several programs to evaluate and protect historical and archeological sites, including Native American sites.

One of these protected places is Texas' third oldest active military installation, the Camp Mabry Historic District in Austin, which received designation on the National Register of Historic



Located on Camp Swift training facility, the New Hope Cemetery is an African-American cemetery that dates from the late nineteenth century to its incorporation in Camp Swift at the start of World War II. It is believed that New Hope Cemetery is on one acre of land given, without deed, to the local African-American population by land owners John and Johanna Gest (Rother 1984). The date the land for the cemetery was granted is not known. The earliest observed burial at the cemetery is Josephine Davis interred in 1882, while the latest is an unknown individual reported to have died November 6, 1941. *Photo courtesy of the Texas Army National Guard Archives.*

Places in 1996. Since then, the Texas Army National Guard has continued its stewardship of the 26-building, 220-acre site founded in 1892 as the Texas Volunteer Guard's first permanent camp. The Texas Army National Guard completed a special maintenance plan for Camp Mabry in October 2001, and it secured \$60 million (over 6 years) for building repairs and improvements from the \$850 million in general bond funds approved by Texas voters in 2001.

Additional accomplishments that earned the Texas Army National Guard its award include:

- Continuing stewardship at Camp Bowie (Burned Rock Middens) in Brownwood, Texas and the Antoine Aussieux Wine Cellar at Camp Swift near Bastrop, Texas, which are eligible for National Register of Historic Places designation.
- Evaluating 95 percent of the Guard's nearly 40,000 acres through site testing to allow essential military training while providing protection to historically and archeologically significant sites.
- Completing a pedestrian survey covering 6,000 acres of Camp Maxey that documents settlement pattern information of 100 archeological sites from the late Paleo-Indian to the late prehistoric periods.
- Conducting research in cooperation with the University of Texas at San Antonio and Southwest Texas State University to develop models for the improved evaluation of archeological sites.

A panel of non-military and Army experts, including representatives from the national Advisory Council on Historic Preservation and the Army's Office of the Director of Environmental Programs, judged competitors for the Cultural Resources Management award.

"The Texas Army National Guard is responsible for a tremendous variety of



Painted Bunting (*Passerina ciris*). This bird prefers brushy tangles, hedgerows, briar patches, woodland edges and open scrubby country. Its brilliant plumage made it a popular cagebird until it came under federal protection. Painted Bunting have been spotted at the following training facilities of the Texas Army National Guard: Camp Berkeley, Camp Bowie, Camp Swift, Camp Maxie and Ft. Wolters. *Photo courtesy of the Texas Army National Guard.*

historic properties across the entire state," said judging panel member Lee Foster, a cultural resources action officer with the Army Office of the Director of Environmental Programs.

"Successfully balancing its mission with effective management of such a diverse array of cultural resources is a signal accomplishment, worthy of recognition at the highest level."

As an award winner, the Texas Army National Guard, with headquarters in Austin, stands out as a leading example of how the Army cares for the historical and archeological sites on the 16.7 million acres of land it manages while it trains and prepares America's soldiers to fight the global war on terrorism. Environmental stewardship, including cultural resources management, plays an important role in the Army's readiness mission.

The Texas Army National Guard is one of eight 2002 Secretary of the Army Environmental Award winners. Each year, Army environmental professionals from around the world compete for recognition in the categories of cultural resources management, natural resources conservation, environmental quality, pollution prevention and environmental restoration.

The winners then go on to participate in the Department of Defense's Environmental Awards competition.



Matters of Interest to All DoD Components



## Legally Brief

# States Rights and Historical Clean Air Issues

By Stanley Rasmussen  
*CREO Regional Counsel*

In the 2002 Issue III of this publication, I discussed sovereign immunity. As you may recall, when Congress waives sovereign immunity for an environmental statute, states have the authority to enforce the statutory requirements of the particular environmental program at federal facilities. Typically the U.S. Environmental Protection Agency (EPA) delegates the authority to implement a program to a state which has either adopted the federal program or that has developed a similar program that is at least as stringent as the federal program. However, state programs can be more stringent than federal programs. Because it is up to the state to determine what is in its best interest when establishing an environmental program, we may often find that a state is imposing environmental requirements upon federal installations that are more stringent than EPA requirements.

As one looks back on the develop-

ment of environmental law in the United States, one Supreme Court case that dealt directly with state authority to determine what is best for its citizens sticks out in my mind.

The case was not brought during the environmental activism period of the past 30 years, but was argued before the Supreme Court in 1907, nearly 100 years ago. The case pitted the state of Georgia against the Tennessee Copper Company and still stands as a landmark case supporting the rights of states to protect the environment and the health of state citizens.

In 1843, copper was discovered in southeastern Tennessee near Ducktown (Polk County Copper Basin). By the 1850s copper mining and smelting operations had begun in earnest. At its peak, the Polk County copper industry employed more than 2,500 people and overall more than 90 million tons of ore were extracted



You might mistake this photo for Death Valley, CA, but it is not. This photo, and the one below, is of the copper mining section between Ducktown and Copper Hill, Tennessee, September 1939. Fumes from smelting copper for sulfuric acid have destroyed all vegetation and eroded the land.  
*Photos courtesy of the Library of Congress.*

from the Basin's copper mines. However, the geographical configuration of the area coupled with the open-roast smelting process and the timber harvesting around the basin to provide fuel for the smelting process resulted in an environmental disaster.

By the late 1800s, mining, harvesting trees for fuel, emissions, and related operations led to a complete stripping of topsoil and the denuding of the Copper Basin. The release of sulfur dioxide created during the smelting mixed with rain to settle sulfuric acid on the land, killing all remaining vegetation and the marine life of the Ocoee River. The red clay hills, barren as the moon, eroded further with each downpour.

On 25 and 26 February 1907 the state of Georgia successfully argued its case before the Supreme Court of the United

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# Got Environmental Buffer Zones? Get Some! And Buy Some Water While You Are At It

By Stanley Rasmussen  
*CREO Regional Counsel*

In the National Defense Authorization Act for fiscal year 2003, Congress authorized two provisions to allow the Department of Defense (DoD) to cooperate with private entities and state and local governments to set aside land near military installations to reduce the impact of urban encroachment on military facilities and better protect America's natural resources. Specifically, one provision will allow the Secretary of Defense or a secretary of one of the military departments to enter into agreements with state and local governments and/or private conservation organizations to acquire land near military installations to limit commercial development. The second provision permits the service secretaries to convey DoD land to state or local governments or nonprofit conservation organizations, who will permanently maintain the land for the conservation of natural resources.

## **Acquisition of Land for Encroachment Partnering Projects**

A primary goal of the encroachment partnering legislation is to enable DoD installations to respond quickly to real estate acquisition opportunities. As described above, the first provision allows for the acquisition of buffer land

around an installation. Per the specific bill language, the property must be used to 'eliminate or relieve current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation.' The statute does not, however, authorize acquisition of real estate for direct support of military operations.

Although the land purchase must be either from a state or local government or from a private land and natural resource conservation organization, installations will now be able to acquire property adjacent to and near them in order to provide an environmental buffer from encroaching development.

In addition to the land acquisition provisions, this portion of the bill allows for water rights to be purchased from any available source "when necessary to support or protect the mission of a military installation." The water rights provision may best serve western installations where the ability to carry out current and future missions is threatened more by water availability than by actual physical encroachment.

## **Conveyance of Surplus Property**

In addition to the ability to acquire land for environmental buffers, Congress empowered the Secretaries of the military departments to sell surplus property to state or local governments or nonprofit natural resource conservation organizations. Sales made under this provision must also contain a revisionary interest so that if the buyer does not maintain use of the property for conservation of natural resources, then the property will revert back to the United States.

With these new tools available to to combat encroachment, installations may be well served if they initiate a program to identify and prioritize properties that either pose the greatest risk to mission performance or the greatest benefit to relieving current and future restrictions. Encroachment partnering projects will be complex real estate transactions, requiring close coordination within the service branch and between the installation and the conservation partner, but with good planning and strategic forward thinking, an installation should be able to help secure for itself a future free from encroachment headaches.

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## **Department of Defense and State Memorandum of Agreement (DSMOA) Training Initiative**

The Department of Defense (DoD) is pleased to announce the DSMOA Training Initiative, a series of 12 DSMOA Training Workshops to be held at various locations across the country in calendar year 2003. The DSMOA Training Workshops are designed to provide comprehensive training on the DSMOA Six Step Process for state and DoD facility representatives. The training is one element of an overall improvement plan for the DSMOA program specifically intended to respond to requests for more consistent implementation of the Cooperative Agreement (CA) process. It is the hope of the DSMOA Training Committee that this effort will afford all DSMOA program personnel the opportunity for a thorough and accurate understanding of the CA process. The initiative will also help to lay the groundwork for improved cooperation in the DoD cleanup arena with opportunities for sharing lessons learned and forwarding recommendations for program improvement to the DSMOA Steering Committee.

For detailed information on this important initiative, such as training schedule, registration, etc., please visit the DSMOA Training Initiative website at [https://www.denix.osd.mil/denix/State/DSMOA/dsmoa\\_training\\_cy03.html](https://www.denix.osd.mil/denix/State/DSMOA/dsmoa_training_cy03.html).



# "Centralized Training" Can Enhance Your Environmental Training Program

## *A Lesson from Detroit Arsenal*

By Gary Voss

*Environmental Protection Specialist, TACOM*

The current situation in today's world has compelled managers to seek and implement creative measures designed to protect and disperse our precious training dollars wisely. The "centralized training" approach is one of the tools available for managers to assist in this effort.

Associates at the Detroit Arsenal located in Warren, Michigan have implemented a program where selected environmental training will be provided to Federal employees as well as construction/service contractors providing support to the facility. Contractors are an integral part of any environmental compliance program and, in fact, may have more impact on compliance than the Government staff. As such all contractors are afforded an opportunity and encouraged to participate in the program. The philosophy of centralized training for contractors and federal associates is to provide site-specific training for real life situations. In addition, using one environmental training consultant to provide the training allows for the same information to be disseminated throughout the facility. In many instances information presented at various universities and consulting firms is the same; however, the manner in which the material is presented may have multiple interpretations that can be confusing and may not provide accurate information.

The reduction in funding has become a dilemma for managers who need to provide this vital training in order to accomplish their mission. The "centralized training" philosophy may be an avenue to travel to assist in providing this training. Typically, it costs approximately \$1000 per associate in per diem to participate in a weeklong environmental course including: course cost, travel, lodging and miscellaneous expenditures. Using the "centralized training" philosophy not only can reduce cost by 50 percent, but it gives the student the flexibility he needs to respond to and resolve issues in emergencies at the facility/office.

The Detroit Arsenal's pilot program began by using command priorities established by the Environmental Management Office.



### The selected courses are:

- ◆ Asbestos Annual - awareness
- ◆ Asbestos Contractor/Supervisor - initial
- ◆ Asbestos Building Inspector - initial
- ◆ Asbestos Contractor/Supervisor - refresher
- ◆ Asbestos Management Planner - initial
- ◆ Lead-Based Paint Contractor/Supervisor - initial
- ◆ Lead-Based Paint Building Inspector - initial

### Future courses on the agenda are:

- ◆ National Environmental Policy Act - awareness
- ◆ Historical/Cultural/Natural Resources - awareness
- ◆ Storm Water Management
- ◆ Affirmative Procurement
- ◆ Lead-Based Paint - awareness

A good EPA-certified environmental training provider with a sincere desire to educate and ensure the health and safety of all associates is paramount, as part of his training program is a key to a successful program.

Any questions associated with implementation of the program, training provider requirements, or coordination efforts, please contact Mr. Gary M. Voss by telephone: (586) 574-5154, or by e-mail: [vossq@tacom.army.mil](mailto:vossq@tacom.army.mil).

EO



Please visit the new DoD  
Regional Environmental Coordinator web site

Public Access: <https://www.denix.osd.mil/denix/Public/Library/Partner/REC/rec.html>

State/DoD Access: <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html>



# Fort Riley DES Wins Kansas Quality Award

By Dianne Stevens

*DES Contractor, Fort Riley, KS*



The Directorate of Environment and Safety (DES) at Fort Riley was among 43 Kansas businesses and organizations honored at the 7th annual Kansas Award for Excellence banquet November 7, 2002 in Overland Park, Kansas. The DES received a Performance in Quality Award.

The Performance in Quality Award is presented to organizations that demonstrate, through their commitment and practice of quality principles, significant progress in building sound, systematic processes and management practices.

The Kansas Award for Excellence program annually recognizes companies from across the state that have utilized the Malcolm Baldrige National Quality Criteria for Performance Excellence. For more than 15 years, thousands of U.S. organizations have used the Baldrige Criteria to stimulate improvements in their competitiveness and business performance that lead to global success.

In Kansas, the award program is operated by a non-profit organization, the Kansas Award for Excellence Foundation. The Foundation is the Kansas affiliate of the Baldrige Program of the National Institute of Standards and Technology. The Fort Riley DES joins over 176 Kansas organizations recognized by the Kansas Award for Excellence Foundation for their commitment to and application of the Baldrige Criteria in Kansas.



Pictured are Harry Hertz, National Quality Program Director and Pam Whitman, Fort Riley Director of Environment and Safety. Photo courtesy of Fort Riley.



**Kansas Award for Excellence Foundation**

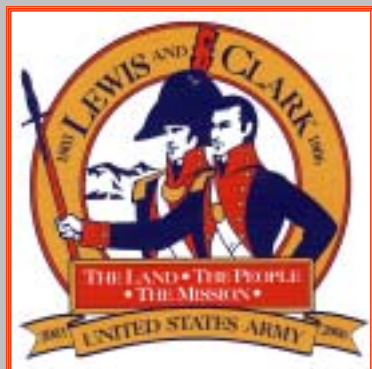
<http://kae.myassociation.com/my/shared/home.jsp>

## Lewis & Clark Events Begin Nationwide

By Nicole Dowell

*Army News Service*

The Lewis and Clark Bicentennial officially began January 18, 2003 but the Pentagon had an early commemorative January 7-10 to recognize the expedition that opened the doors of the American West.



A display sponsored by the Assistant Secretary of the Army for Civil Works and manned by the Corps of Engineers was available for viewing in the Pentagon. The display was part of the bicentennial's national kickoff at Monticello, Virginia, January 18 and then began crossing the nation much as the original expedition did 200 years ago.

The Corps of Engineer's display includes a backdrop, pe-

riod instruments provided by the Frontier Army Living History Association, and staff members dressed in period uniforms.

"The exhibit is a living and breathing thing that includes school talks, encampments and discovery boxes for educators," said Jean Nauss, national coordinator, Lewis and Clark Bicentennial, Corps of Engineers.

In the Lewis and Clark Expedition, two Army officers, 26 enlisted men and five nonmilitary members made up the permanent party, known as the Corps of Discovery, that covered 7,689 miles of waterways by canoes and boats in 2 years, 4 months and 10 days.

"The Lewis and Clark Expedition is extremely significant," said Ken Wilk, assistant national coordinator, Lewis and Clark Bicentennial, Corps of Engineers.

"It is the first successful expedition of the western continent," Wilk said.

Beginning in 1792, three separate expeditions searched for a direct water route from the Missouri River to the Pacific Ocean.

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## From The Field

Occasionally our office gets technical inquiries from the field. Though our office is not staffed with technical subject matter experts, we do coordinate responses with the appropriate experts. One such inquiry that you may find helpful is presented here.

**Question 1.** Our activity does not have a shooting range on our installation, so we use a nearby police department range for various training activities. After using the range, we collect the waste brass and transport it back to our installation and give it to the DRMO staff for recycling. I want to know if the waste brass was considered to be a RCRA regulated waste.

**Answer 1.** Spent brass should be excluded from RCRA as a waste because it is being recycled. It is recommended that the brass be collected, kept in a closed container (e.g., a box) and then returned to the installation DRMO for recycling. It should be noted that Oklahoma has adopted the Munitions Rule in its entirety and includes such exclusions

(see 40 CFR 261.4[a][13] for the scrap metal exclusion).

**Question 2.** Our security forces travel to Ft. Gruber for various training exercises. After training they collect their waste material and transport it back to their installation for disposal/recycling. We are particularly concerned with the M-228 grenades that they use in training. The M-60 grenades may contain a cadmium fuse and am concerned that the M-228 grenades may also have the same type of cadmium fuse. My concern is that cadmium is one of the RCRA hazardous metals, and am uncertain whether we should be treating the spent grenades as hazardous waste.

**Answer 2.** See the Phase II report of the "Range Scrap (Firing Point) Study Report" (<http://aec.army.mil/usaec/range/operations02.html#Scrap>). In this document (page 2-16 on table 2-4) it indicates that the M-228 fuse is not considered to have hazardous constituents. M-228 fuses can be treated as a non-hazardous material.

Though our office is here to assist the installations with finding answers to their technical questions, you are encouraged to utilize the Army Environmental Response Hotline.

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## Army Environmental Response Hotline

Telephone: 1-800-USA-3845

[EnvironmentalHotline@aec.apgea.army.mil](mailto:EnvironmentalHotline@aec.apgea.army.mil)

The U.S. Army Environmental Response Line Hotline finds answers to your environmental questions. It's the one-stop service that goes to the source to get accurate and timely information on compliance, pollution prevention, conservation and restoration issues. The HOTLINE is available to any DA employee: soldier or civilian, Active or Reserve component.

*(Lewis and Clark, continued from page 9)*

"They all failed," Wilk said. "They weren't Army."

On Jan. 18, 1803, months before the Louisiana Purchase, President Thomas Jefferson sent a confidential letter to Congress, requesting money for an expedition to the Pacific Ocean.

Jefferson selected his personal secretary, Capt. Meriwether Lewis, to lead the expedition. Lewis had authority to recruit noncommissioned officers and men from any of the western Army posts.

With Jefferson's consent, Lewis wrote to his friend and former comrade, William Clark, offering him the assignment as co-commander.

Clark was retired at the time, but he quickly jumped at the opportunity and re-commissioned as a captain.

"In comparison to the speed of communication these days, he responded to the message before even receiving it," Wilk said.

"This was a chance of a lifetime," Wilk said.

Lewis knew the skill sets he would need and recruited accordingly. His men were hunters, blacksmiths, gunsmiths, boatmen, interpreters, fishermen, frontier traders, carpenters,

surveyors, scouts and woodsmen.

"You have to understand the Army at the time," Wilk said. "These men were stationed at frontier posts, a rather boring existence. They were eager for the opportunity," he said.

It was a unique situation having two equal-ranked officers working with the men, Nauss said.

"They were a lot like Special Forces," Wilk said. "They were an elite unit ready to fight if they had to, but also ready to act as diplomats."

The team came in contact with 55 new Indian tribes, recording their languages, trail routes and interpersonal relationships, all the while trying to make peace with the nations along the route.

The event is called a commemoration because there is nothing to celebrate from the tribal perspective, Nauss said.

"It marks the beginning of life as they know it now," she said about the western tribes. "This was the opening of the West, expanding our frontier, but shrinking theirs."

In preparation for the trip, Lewis spent most of 1803 studying with scientists, mapmakers, botanists, astronomers and anthropologists.

*(Continued on page 11)*

*(Clean Air, continued from page 6)*

States. Less than three months later Justice Oliver Wendell Holmes delivered the opinion of the court in favor of the state. In his opinion, Justice Holmes made many statements which still are pertinent today:

"[T]he State has an interest independent of and behind the titles of its citizens, in all the earth and air within its domain. It has the last word as to whether its mountains shall be stripped of their forests and its inhabitants shall breathe pure air."

"It is a fair and reasonable demand on the part of a sovereign that the air over its territory should not be polluted on a great scale by sulphurous acid gas, that the forests on its mountains, be they better or worse, and whatever domestic destruction they have suffered, should not be further destroyed or threatened by the act of persons beyond its control, that the crops and orchards on its hills should not be endangered from the same source."

Surprisingly, the Court questioned whether Georgia was making a sound decision in bringing its claim. The Court actually suggested that the benefits of employment and spending provided by the mining activities might actually outweigh the environmental damage. However, the Court acknowledged that it was up to Georgia to decide what was

in the best interest of its citizens.

"[W]e are satisfied by a preponderance of evidence that the sulphurous fumes cause and threaten damage on so considerable a scale to the forests and vegetable life, if not to health, within the plaintiff State as to make out a case...Whether Georgia by insisting upon this claim is doing more harm than good to her own citizens is for her to determine."

Although the case was decided in Georgia's favor, they were not granted the injunction they sought to shut down the smelting operations. Instead, the Court allowed the mine to continue operating as it installed new smelting technology. In 1908 a process to capture the sulfuric acid through closed smelting was put into place, but visible aspects of the damage remain after ninety years, despite past (and partially successful) conservation efforts by the Civilian Conservation Corps and the Tennessee Valley Authority.

If you visit this area today, you may be able to find a small roadside marker at Ducktown that describes the copper mining and environmental history of the area. However, an important legacy of the Ducktown copper mining industry is the Supreme Court's confirmation that states have the authority to determine what is best for its citizens when considering environmental is-

sues.

The Tennessee Copper Company continued to operate the mine until 1963 when Cities Service Company acquired Tennessee Copper Company. Cities Service operated the mines and processing plants for about 12 years. In 1976, Cities Service expanded operations and began open pit mining. In 1982, Tennessee Chemical Company acquired the assets of Cities Service. Tennessee Chemical Company operated the mines until 1987, when the company ceased mining operations for business reasons. Ironically they could make more money extracting sulfur and manufacturing sulfur products than they could from the copper. Indeed, after mining stopped, Tennessee Chemical produced industrial chemicals, including sulfuric acid, liquid sulfur dioxide, ferric sulfate, and copper sulfate, until the company filed for bankruptcy in 1989. Today the plant is owned by a Georgia company and is used to manufacture organic sulfonates, which are used in surface-active agents, soap, and other detergents and agricultural chemicals.

If you have additional questions concerning this topic, or wish to suggest future Legally Brief topics, please feel free to contact me at (816) 983-3448 or at [CREO.Regional.Counsel@nwk02.usace.army.mil](mailto:CREO.Regional.Counsel@nwk02.usace.army.mil).

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*(Lewis and Clark, continued from page 10)*

The expedition departed Camp River Dubois, near St. Louis, on May 14, 1804 and returned to St. Louis September 23, 1806.

The team came back with significant scientific accomplishments including 178 new plant species and 122 unknown animal life species catalogued, new geological and meteorological records, and new topographical records of the area between the Missouri River and the Pacific Coast.

"This is the start of non-combat missions for the Army, everything else the Army does now," Wilk said.

Most people do not associate the Army with Lewis and Clark, even members of the Army community, Nauss said.

"A lot of history has been lost over time," Nauss said. "This needs to be touted as a military story."

2003 through 2006 has been designated the Lewis and Clark Bicentennial through proclamation by President George Bush. Bush directed federal agencies, states, tribes, communities and the National Council of the Lewis and Clark Bicentennial to promote educational opportunities regarding the Lewis and Clark story.

The Corps of Engineers, manager of 90 percent of the waterway trail Lewis and Clark followed, has been supporting activities for two years and will continue through the commemoration, Wilk said.

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#### Lewis and Clark Web Resources

<http://www.lewisandclark200.org/>

<http://www.lewisandclark200.gov/index.cfm>



## Dictionary of Army/DoD Environmental Terms and Acronyms

[https://www.denix.osd.mil/denix/Public/Library/Partner/REC/Infor\\_lib/infor\\_lib.html](https://www.denix.osd.mil/denix/Public/Library/Partner/REC/Infor_lib/infor_lib.html)



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# CREO 2003 Issue 1 ENVIRONMENTAL NEWSLETTER

The Central Regional Environmental Office (CREO) *Environmental Newsletter* is an unofficial publication authorized under AR 360-1. It is published quarterly by the U.S. Army Environmental Center, CREO, 601 E. 12th Street, Suite 647, Kansas City, MO 64106-2896; Telephone: (816) 983-3548, Fax: (816) 426-7414. The views and opinions expressed are not necessarily those of the Army. Proposed articles should be submitted to the CREO editor. Submissions are subject to editing and rewriting as deemed necessary.

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**Mission:** The CREO supports the Army and DoD mission through coordination, communication and facilitation of regional environmental activities. The Army REOs are part of a DoD network in which the Army, Air Force and Navy each has lead responsibility for mission implementation in the 10 Standard Federal regions. The CREO has DoD lead responsibility for Region 7 and Army lead responsibility for Regions 6 & 7.

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